

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X **Docket#**
UNITED STATES OF AMERICA, : 18-cr-00408-BMC-4
:
- versus - : U.S. Courthouse
: Brooklyn, New York
:
HUANG, et al., : September 23, 2019
Defendants : 11:43 AM
-----X

TRANSCRIPT OF CRIMINAL CAUSE FOR PLEADING
BEFORE THE HONORABLE STEVEN M. GOLD
UNITED STATES MAGISTRATE JUDGE

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Proceedings

1 THE CLERK: Criminal Cause for a Plea Hearing,
2 case number 18-cr-408, United States of America v. Huang,
3 et al, defendant number 1, Xi Quan Huang, defendant
4 number 2, Yun Lei Huang, and defendant number 3, Yun Wu
5 Huang.

6 Counsel, please state your name for the record,
7 beginning with the government.

8 MR. CAMPOS: William Campos, for the United
9 States. Good morning, your Honor. Also present is
10 Special Assistant United States Robert Kaftal.

11 THE COURT: Thank you.

12 MR. LICHTMAN: Jeffrey Lichtman and Jeffrey
13 Einhorn for the defendant Xi Quan Huang.

14 Good morning, Judge.

15 MR. EINHORN: Good morning, Judge.

16 THE COURT: Please slow down. I'm sorry. Mr.
17 Lichtman, Mr. Einhorn for Xi Quan Huang?

18 MR. LICHTMAN: Xi Quan, yes, your Honor.

19 THE COURT: Thank you.

20 MR. FERNICH: Judge, Marc Fernich, M-A-R-C F-E-
21 R-N-I-C-H, for defendant Yun Lei Huang.

22 THE COURT: You have Yun Lei Huang. Thank you.

23 MR. SAVELLA: Good morning, Judge.

24 Jonathan Savella for defendant Yun Wu Huang.

25 THE COURT: Sabella?

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1 MR. SAVELLA: Savella.

2 THE COURT: Vella, sorry.

3 MR. SAVELLA: S-A-V, as in Victor, E-L-L-A.

4 THE COURT: Sorry about that. Please have a
5 seat.

6 THE COURT: I know we have a court interpreter
7 today.

8 THE INTERPRETER: Yes.

9 (INTERPRETER SWORN)

10 THE COURT: And you're translating into?

11 THE INTERPRETER: Mandarin.

12 THE COURT: Thank you.

13 Please state your name for the record.

14 THE INTERPRETER: John Lau, L-A-U.

15 THE COURT: Mr. Lau, thank you very much.

16 THE INTERPRETER: Thank you.

17 Xi Quan Huang, do you understand everything
18 everyone is saying afer it's translated into Mandarin for
19 you?

20 DEFENDANT XI QUAN HUANG: Yes.

21 THE COURT: Yun Lei Huang, do you understand
22 everything as it's being translated into Mandarin?

23 DEFENDANT YUN LEI HUANG: Yes.

24 THE COURT: Yun Wu Huang, do you understand
25 everything as it's translated into Mandarin?

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1 DEFENDANT YUN WU HUANG: Yes.

2 THE COURT: This matter is before the Court for
3 the simultaneous entry of pleas of guilty to a
4 superseding information by the three defendants before
5 the Court. I infer from the government having scheduled
6 the matter, that the government has no objection to
7 proceeding with all three defendants simultaneously.

8 MR. CAMPOS: That is correct, your Honor.

9 THE COURT: And I am now going to ask counsel
10 whether any of you object to it, in which case I will be
11 happy to reschedule.

12 Mr. Lichtman?

13 MR. LICHTMAN: No, Judge.

14 THE COURT: Mr. Fernich?

15 MR. FERNICH: No, sir.

16 THE COURT: Mr. Savella?

17 MR. SAVELLA: No objection, your Honor.

18 THE COURT: Thank you. Mr. Campos, I will be
19 counting on some extra attention from the government as I
20 move through this, given the complexity of dealing with
21 three foreign-language speaking defendants, all at the
22 same time.

23 MR. CAMPOS: Understood, your Honor.

24 THE COURT: Thank you.

25 Mr. Lichtman, I infer you're retained in the

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1 matter?

2 MR. LICHTMAN: Yes, your Honor.

3 THE COURT: And Mr. Fernich, you are as well?

4 MR. FERNICH: Yes, Judge.

5 THE COURT: And Mr. Savella, you are, too?

6 MR. SAVELLA: Yes, your Honor.

7 THE COURT: Thank you. I would like to be able
8 without meaning any disrespect to refer to the defendants
9 as Xi Quan, Yun Lei, and Yun Wu, since they all share the
10 name Huang, and therefore it will be difficult to
11 distinguish among them by that appellation.

12 Xi Quan Huang, Yun Lei Huang, and Yun Wu Huang,
13 I will be referring to the portion of your name that
14 doesn't include Huang, so I can distinguish between you.

15 You are here in my courtroom today because your
16 lawyers have indicated by scheduling this matter and
17 allowing certain documents to be filed, that you all wish
18 to give up your right to a trial, and instead plead
19 guilty to charges set forth in a document called a
20 superseding information.

21 Before I may hear any guilty plea any of you
22 choose to offer, I want to make sure that you understand
23 that I am not the judge who is presiding over your case.
24 The judge presiding over your case is United States
25 District Judge Cogan. You may have appeared before Judge

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1 Cogan at an earlier stage of your prosecution.

2 Judge Cogan is the judge who will decide
3 whether any plea of guilty you make should be accepted,
4 and if it is, how your sentence should be set.

5 I'm a magistrate judge. I am not a district
6 judge like Judge Cogan. I do not have the authority
7 under the law to formally accept your plea or to decide
8 your sentence. Only Judge Cogan can do that.

9 If you wish, you have the absolute right to
10 present any guilty plea you wish to make to Judge Cogan,
11 and if you make the choice, there will be no prejudice to
12 you. You would be permitted to plead guilty on the same
13 terms and conditions the prosecutor has offered today on
14 another date that's convenient to Judge Cogan.

15 In the alternative though, if you consent and
16 agree, I do have the authority to be the judge who
17 listens to you plead guilty. And if you agree to present
18 your guilty plea to me instead of Judge Cogan, I will
19 make certain that everything we say is recorded, and that
20 the recording is transcribed or presented in written form
21 to Judge Cogan, so that he can review everything I've
22 said and you've said, before he decides whether to accept
23 your pleas of guilty, or how to determine your sentence.

24 Xi Quan, do you understand me so far?

25 DEFENDANT XI QUAN HUANG: I understand.

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1 THE COURT: Yun Lei?

2 DEFENDANT YUN LEI HUANG: Yes, I understand.

3 THE COURT: Yun Wu?

4 DEFENDANT YUN WU HUANG: Yes, I am clear.

5 THE COURT: You don't have to get up unless you
6 want to.

7 THE COURT: Do you wish to give up your right
8 to have Judge Cogan listen to your guilty plea and do you
9 agree to present it to me instead?

10 Xi Quan?

11 DEFENDANT XI QUAN HUANG: I agree.

12 THE COURT: Yun Lei?

13 DEFENDANT YUN LEI HUANG: I agree.

14 THE COURT: Yun Wu?

15 DEFENDANT YUN WU HUANG: I agree.

16 THE COURT: Are you making this decision of
17 your own free will, voluntarily, and without having been
18 threatened or promised anything in return?

19 Xi Quan?

20 DEFENDANT XI QUAN HUANG: Yes.

21 THE COURT: Yun Lei?

22 DEFENDANT YUN LEI HUANG: Yes.

23 THE COURT: Yun Wu?

24 DEFENDANT YUN WU HUANG: Yes.

25 THE COURT: Did your lawyer and the interpreter

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1 review this consent form with you, and did you then agree
2 to sign it?

3 Xi Quan?

4 DEFENDANT XI QUAN HUANG: Yes.

5 THE COURT: Yun Lei?

6 DEFENDANT YUN LEI HUANG: Yes.

7 THE COURT: Yun Wu?

8 DEFENDANT YUN WU HUANG: Yes.

9 THE COURT: Counsel, do you know of any reason
10 why your client should not consent to proceed before me
11 for these purposes?

12 Mr. Lichtman?

13 MR. LICHTMAN: No.

14 THE COURT: Mr. Fernich?

15 MR. FERNICH: No, Judge.

16 THE COURT: And Mr. Savella?

17 MR. SAVELLA: No, your Honor.

18 THE COURT: I find that the consent of each
19 defendant to proceed before a magistrate judge for these
20 purposes is knowing and voluntary, and I am going to take
21 a minute and add my endorsement to each consent form to
22 reflect the fact that I have made that finding.

23 Now before I may recommend that Judge Cogan
24 accept any plea of guilty that any of you choose to
25 offer, I am going to have to ask each you a very long

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1 list of questions. The questions are important.

2 They're designed to make sure that you
3 understand the consequences of the decision you are being
4 asked to make. The questions are also designed to create
5 a record that will protect the prosecution and the Court
6 because that record will demonstrate that I explained
7 your rights to you, you told me you understood them, and
8 then you agreed to surrender or waive them.

9 Once that happens, any plea of guilty you make
10 will be legally valid, and permanently binding.
11 Accordingly, I urge you to listen carefully to the
12 questions, and to tell me if I have asked you something
13 that you don't completely understand. I will try to
14 rephrase it and make it clearer if that should occur.

15 I also urge you to interrupt me if you want to
16 ask me a question or you want to speak privately with
17 your attorney. I will certainly give you the opportunity
18 to do either if you ask.

19 Xi Quan, do you understand?

20 DEFENDANT XI QUAN HUANG: Yes.

21 THE COURT: Yun Lei, do you understand?

22 DEFENDANT YUN LEI HUANG: Yes.

23 THE COURT: Yun Wu?

24 DEFENDANT YUN WU HUANG: Yes.

25 THE COURT: It's so important that when you

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1 answer my questions that you're truthful, that I will ask
2 my clerk to place you under oath before we proceed any
3 further. Please rise, and raise your right hand.

4 X I Q U A N H U A N G ,

5 having been first duly sworn, was examined and
6 testified as follows:

7 Y U N L E I H U A N G ,

8 having been first duly sworn, was examined and
9 testified as follows:

10 Y U N W U H U A N G ,

11 having been first duly sworn, was examined and
12 testified as follows:

13 THE COURT: You may be seated.

14 Now that you have taken an oath, when you
15 answer my questions, you are doing subject to the
16 penalties of perjury or making a false statement. Simply
17 put, that means that if you lie to me today, new criminal
18 charges could be brought against you for that.

19 Do you understand Xi Quan?

20 DEFENDANT XI QUAN HUANG: I do.

21 THE COURT: Yun Lei?

22 DEFENDANT YUN LEI HUANG: Yes.

23 THE COURT: Yes?

24 DEFENDANT YUN LEI HUANG: Yes.

25 THE COURT: And Yun Wu?

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1 DEFENDANT YUN WU HUANG: Yes.

2 THE COURT: Xi Quan, tell me your full name.

3 DEFENDANT XI QUAN HUANG: Xi Quan Huang.

4 THE COURT: Yun Lei, your full name?

5 DEFENDANT YUN LEI HUANG: Yun Lei Quan.

6 THE COURT: Yun Wu, your full name?

7 DEFENDANT YUN WU HUANG: Yun Wu Huang.

8 THE COURT: Xi Quan, how old are you?

9 DEFENDANT XI QUAN HUANG: 60-years-old.

10 THE COURT: Yun Lei?

11 DEFENDANT YUN LEI HUANG: 33.

12 THE COURT: Yun Wu?

13 DEFENDANT YUN WU HUANG: 36.

14 THE COURT: Xi Quan, how much education have
15 you had? How far did you go in school?

16 DEFENDANT XI QUAN HUANG: Junior high.

17 THE COURT: Yun Lei?

18 DEFENDANT YUN LEI HUANG: Same as my father.

19 THE COURT: Well, how old were you when you
20 stopped going to school, Yun Lei?

21 DEFENDANT YUN LEI HUANG: I graduated from
22 junior high.

23 THE COURT: How old were you when you stopped
24 school? As best you recall it, Yun Lei, how old were
25 you?

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1 DEFENDANT YUN LEI HUANG: It was a long time
2 ago. I don't remember.

3 THE COURT: Okay. Yun Wu, how far did you go
4 in school?

5 DEFENDANT YUN WU HUANG: High school.

6 THE COURT: How old were you when you stopped
7 attending school?

8 DEFENDANT YUN WU HUANG: 19.

9 THE COURT: Are you having any difficulty
10 understanding the Mandarin interpretation of my words?

11 Xi Quan?

12 DEFENDANT XI QUAN HUANG: No.

13 THE COURT: Yun Lei?

14 DEFENDANT YUN LEI HUANG: (Inaudible).

15 THE COURT: Yun Wu?

16 DEFENDANT YUN WU HUANG: No.

17 THE COURT: Are you now or have you in the last
18 few months been seeing a medical doctor, or a
19 psychologist or another healthcare professional for any
20 mental, emotional or physical problems?

21 Xi Quan?

22 DEFENDANT XI QUAN HUANG: No.

23 THE COURT: Yun Lei?

24 DEFENDANT YUN LEI HUANG: I saw my family
25 doctor. Does that count?

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1 THE COURT: Yes. What kind of illness did you
2 see a doctor for?

3 DEFENDANT YUN LEI HUANG: Cold.

4 THE COURT: Anything else?

5 DEFENDANT YUN LEI HUANG: And my dentist.

6 THE COURT: Anything else?

7 DEFENDANT YUN LEI HUANG: No.

8 THE COURT: Yun Wu?

9 DEFENDANT YUN WU HUANG: I had a physical exam.

10 THE COURT: Did they find anything wrong?

11 DEFENDANT YUN WU HUANG: I am lacking of
12 vitamin C and I have cholesterol.

13 THE COURT: Anything else?

14 DEFENDANT YUN WU HUANG: No.

15 THE COURT: In the last 24 hours, have you
16 taken any narcotics, medicine, pills, or alcohol?

17 Xi Quan?

18 DEFENDANT XI QUAN HUANG: I drank alcohol.

19 THE COURT: When?

20 DEFENDANT XI QUAN HUANG: Last night.

21 THE COURT: Let the record reflect that it is
22 now noon. Xi Quan, are you sober and clear-headed now?

23 DEFENDANT XI QUAN HUANG: Yes, I am.

24 THE COURT: Yun Lei, in the last 24 hours,
25 alcohol, drugs, medicine, pills?

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1 DEFENDANT YUN LEI HUANG: I took cold medicine.

2 THE COURT: When did you take it last?

3 DEFENDANT YUN LEI HUANG: Last night.

4 THE COURT: Are you feeling awake and focused
5 and healthy today?

6 DEFENDANT YUN LEI HUANG: Yes.

7 THE COURT: Yun Wu, medicine, pills, alcohol,
8 drugs, within the last 24 hours?

9 DEFENDANT YUN WU HUANG: No.

10 THE COURT: Have you ever been hospitalized or
11 treated for psychiatric problems, or substance abuse?
12 (Defendants speaking in Mandarin).

13 THE COURT: No, no, no, no, listen. I ask a
14 question of a particular person. I expect an answer from
15 the person I have asked. That's the way this works.
16 Otherwise, we can reschedule and do each one separately.

17 Xi Quan, have you ever been hospitalized or
18 treated for drug or alcohol abuse or psychiatric
19 problems?

20 DEFENDANT XI QUAN HUANG: No.

21 THE COURT: Yun Lei, have you?

22 DEFENDANT YUN LEI HUANG: No.

23 THE COURT: Yun Wu, have you?

24 DEFENDANT YUN WU HUANG: No.

25 THE COURT: Is your mind clear today, and do

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1 you understand everything I have said so far?

2 Xi Quan?

3 DEFENDANT XI QUAN HUANG: I understood.

4 THE COURT: Yun Lei?

5 DEFENDANT YUN LEI HUANG: (Inaudible).

6 THE COURT: Yun Wu?

7 DEFENDANT YUN WU HUANG: Yes.

8 THE COURT: The charge against you contemplated
9 by your plea agreement is set forth in a document called
10 a superseding information. Your lawyers have been given
11 copies of that document.

12 Have they reviewed it with you in Mandarin, and
13 do you understand the charge against you?

14 Xi Quan?

15 DEFENDANT XI QUAN HUANG: I do understood.

16 THE COURT: Yun Lei?

17 DEFENDANT YUN LEI HUANG: Yeah.

18 THE COURT: Yun Wu?

19 DEFENDANT YUN WU HUANG: Yes.

20 THE COURT: Simplifying quite a bit, you are
21 basically charged with having more than \$10,000 in cash
22 at one time but depositing amounts of money less than
23 that, knowing that if you put in the bank, \$10,000 or
24 more, there would be reports to the government about how
25 much cash you had at one time.

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1 Do you understand, Xi Quan?

2 DEFENDANT XI QUAN HUANG: I understand.

3 THE COURT: Yun Lei? Yes?

4 DEFENDANT YUN LEI HUANG: Yes.

5 THE COURT: You have to answer out loud because

6 I told you we're making a recording for Judge Cogan.

7 Yun Wu?

8 DEFENDANT YUN WU HUANG: Yes.

9 THE COURT: This is a felony charge. When I
10 call it a felony, what I mean is that if you're convicted
11 on your plea of guilty or after trial, you could be sent
12 to prison for more than a year.

13 Because it is a felony charge, the United
14 States Constitution provides that it may only be filed by
15 means of an indictment returned by a grand jury.

16 The documents setting out the charge before the
17 Court is not in the form of an indictment, and it was not
18 returned by a grand jury. It is simply a piece of paper
19 or several pieces of paper prepared by a prosecutor with
20 no grand jury proceeding at all. Unless you waive or
21 give up your right under the United States Constitution,
22 to make the government proceed by way of indictment from
23 a grand jury. You may not be charged with felony like
24 this one, unless and until a grand jury decides to return
25 an indictment.

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1 If you do not waive your right to indictment,
2 the prosecutor may go to the grand jury and present
3 evidence against you, and ask the grand jury to indict
4 you.

5 The grand jury would have at least 16 members
6 and no more than 23 members. At least 12 of the 16 to 23
7 grand jurors would be required to find that there was
8 probable cause to believe you committed this crime before
9 you could be indicted for it.

10 The grand jury might indict you but it might
11 not. If you waive your right, give up your right to
12 grand jury indictment, the case will proceed against you
13 based upon this felony information just as though you had
14 been indicted, even though there will have been no grand
15 jury proceeding at all.

16 Do you understand what I have said, Xi Quan?

17 DEFENDANT XI QUAN HUANG: I understood.

18 THE COURT: Yun Lei?

19 DEFENDANT YUN LEI HUANG: Yes.

20 THE COURT: Yeah? Yun Wu?

21 DEFENDANT YUN WU HUANG: Yes.

22 THE INTERPRETER: Judge, I believe problem with
23 the mic now, I don't know why.

24 THE COURT: Mine? Is this better?

25 THE INTERPRETER: Yes, Judge, better. Yes.

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1 THE COURT: Do you wish to give up your right
2 to grand jury indictment?

3 Xi Quan?

4 DEFENDANT XI QUAN HUANG: Judge, I waive.

5 THE COURT: Yun Lei?

6 DEFENDANT YUN LEI HUANG: Yeah.

7 THE COURT: Yun Wu?

8 DEFENDANT YUN WU HUANG: Yes.

9 THE COURT: Have you discussed this with your
10 lawyer, and do you understand the rights you're being
11 asked to waive?

12 Xi Quan?

13 DEFENDANT XI QUAN HUANG: I understood.

14 THE COURT: Yun Lei?

15 DEFENDANT YUN LEI HUANG: Yeah.

16 THE COURT: Yun Wu?

17 DEFENDANT YUN WU HUANG: Yes.

18 THE COURT: Has anyone pressured you, or
19 threatened you, or promised you something to get you to
20 agree to waive this right?

21 Xi Quan?

22 DEFENDANT XI QUAN HUANG: No.

23 THE COURT: Yun Lei?

24 DEFENDANT YUN LEI HUANG: No.

25 THE COURT: Yun Wu?

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1 DEFENDANT YUN WU HUANG: No.

2 THE COURT: Counsel, do you know of any reason
3 why your client should not waive his right to grand jury
4 indictment?

5 Mr. Lichtman?

6 MR. LICHTMAN: No, your Honor.

7 THE COURT: Mr. Fernich?

8 MR. FERNICH: No, your Honor.

9 THE COURT: And Mr. Savella?

10 MR. SAVELLA: No, your Honor.

11 THE COURT: I find the waivers of indictment
12 knowing and voluntary. I am adding my signature to the
13 waiver of indictment form to reflect the finding I have
14 made.

15 Mr. Lichtman, Mr. Einhorn, have you discussed
16 the matter of pleading guilty very carefully with your
17 client?

18 MR. LICHTMAN: Yes, Judge.

19 MR. EINHORN: We have, your Honor.

20 THE COURT: Mr. Fernich?

21 MR. FERNICH: Yes, we have, Judge.

22 THE COURT: Mr. Savella?

23 MR. SAVELLA: Yes, Judge.

24 THE COURT: Does you believe your client
25 understand the rights he will be waiving if he decides to

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1 enter a guilty plea, Mr. Lichtman?

2 MR. LICHTMAN: Yes, Judge.

3 THE COURT: Fernich?

4 MR. FERNICH: Yes.

5 THE COURT: Mr. Savella?

6 MR. SAVELLA: I do, your Honor.

7 THE COURT: Is your client in your judgment,
8 capable of understanding the nature of this proceeding?

9 Mr. Lichtman?

10 MR. LICHTMAN: Yes, your Honor.

11 THE COURT: Mr. Fernich?

12 MR. FERNICH: Yes, Judge.

13 THE COURT: Mr. Savella?

14 MR. SAVELLA: Yes.

15 THE COURT: Do you have any doubt about the
16 competence of your client to enter a plea of guilty at
17 this time?

18 Mr. Lichtman?

19 MR. LICHTMAN: No, sir.

20 THE COURT: Mr. Fernich?

21 MR. FERNICH: No doubt, Judge.

22 THE COURT: And Mr. Savella?

23 MR. SAVELLA: No, your Honor.

24 THE COURT: Has your client's lack of formal
25 schooling impeded your ability to discuss the predicament

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1 he's in, the charges he's facing or the rights he's being
2 asked to waive?

3 Mr. Lichtman?

4 MR. LICHTMAN: No, your Honor.

5 THE COURT: Mr. Fernich?

6 MR. FERNICH: No, Judge.

7 THE COURT: Mr. Savella?

8 MR. SAVELLA: It has not, your Honor.

9 THE COURT: Have you alerted your client to the
10 maximum sentence and fine that can be imposed, the likely
11 operation of the sentencing guidelines, as best you can
12 anticipate it, and the collateral consequences of the
13 conviction, including removal and forfeiture?

14 Mr. Lichtman?

15 MR. LICHTMAN: Yes, your Honor.

16 THE COURT: Mr. Fernich?

17 MR. FERNICH: Yes, Judge.

18 THE COURT: And Mr. Savella?

19 MR. SAVELLA: I have, your Honor.

20 THE COURT: Thank you so much, counselors.

21 MR. FERNICH: You're welcome.

22 THE COURT: Mr. Xi Quan Huang, have you had
23 enough time to go over your case very carefully with your
24 lawyer, and have you in fact, done that?

25 DEFENDANT XI QUAN HUANG: Yes.

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1 THE COURT: Yun Lei, have you?

2 DEFENDANT YUN LEI HUANG: Yes.

3 THE COURT: Yun Wu, have you?

4 DEFENDANT YUN WU HUANG: Yes.

5 THE COURT: If you could no longer afford
6 understand that if you could no longer afford the
7 services of your attorney, and you demonstrated that to
8 my satisfaction, I would appoint a lawyer to defend you
9 at no cost to you. You should not plead guilty because
10 you believe you cannot afford the legal fees for going to
11 trial.

12 Do you understand me, Xi Quan?

13 DEFENDANT XI QUAN HUANG: I understand.

14 THE COURT: Yun Lei?

15 DEFENDANT YUN LEI HUANG: Yes.

16 THE COURT: Yun Wu?

17 DEFENDANT YUN WU HUANG: Yes.

18 THE COURT: Are you satisfied to proceed and be
19 defended by the lawyer who is here in court representing
20 you?

21 Xi Quan?

22 DEFENDANT XI QUAN HUANG: Yes.

23 THE COURT: Yun Lei?

24 DEFENDANT YUN LEI HUANG: Yes.

25 THE COURT: Yun Wu?

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1 DEFENDANT YUN WU HUANG: Yes.

2 THE COURT: We have already been over the
3 charge against you. I now want to tell you that you have
4 the right under our constitution to plead not guilty to
5 that charge, and to persist in any not guilty pleas you
6 may have previously made in this case.

7 That is your right whether you are guilty or
8 not. It is never lying or misleading the Court to plead
9 not guilty, even if you have, in fact, committed the
10 crimes of which you have been accused. Every defendant,
11 guilty or not guilty, has the right to enter a not guilty
12 plea, and thereby exercise his constitutional right to a
13 trial.

14 Do you understand me, Xi Quan?

15 DEFENDANT XI QUAN HUANG: Yes.

16 THE COURT: Yun Lei?

17 DEFENDANT YUN LEI HUANG: Yes.

18 THE COURT: Yun Wu?

19 DEFENDANT YUN WU HUANG: Yes.

20 THE COURT: If you persist in a not guilty plea
21 you made previously, or plead not guilty today, then
22 under the Constitution and laws of the United States, you
23 are entitled to a speedy and public trial by a jury with
24 your lawyer's assistance on all of the charges pending
25 against you, not only at the trial, but at all stages of

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1 the prosecution.

2 Do you understand me, Xi Quan?

3 DEFENDANT XI QUAN HUANG: Yes.

4 THE COURT: Yun Lei?

5 DEFENDANT YUN LEI HUANG: Yes.

6 THE COURT: Yun Wu?

7 DEFENDANT YUN WU HUANG: Yes.

8 THE COURT: At your trial, you would be
9 presumed to be innocent. The prosecution would be
10 required to overcome the presumption of innocence, and to
11 prove that you were guilty by competent evidence, and
12 beyond a reasonable doubt. You would have no obligation
13 or responsibility to prove that you were innocent.

14 If the prosecution failed to prove your guilt
15 beyond a reasonable doubt, the members of the jury would
16 have the duty to return acquit you and find you not
17 guilty, and Judge Cogan would instruct them that way.

18 Do you understand, Xi Quan?

19 DEFENDANT XI QUAN HUANG: I understand.

20 THE COURT: Yun Lei?

21 DEFENDANT YUN LEI HUANG: Yes.

22 THE COURT: Yun Wu?

23 DEFENDANT YUN WU HUANG: Yes.

24 THE COURT: That's why juries sometimes find a
25 defendant not guilty, and acquit him, even when the

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1 members of the jury believe the defendant probably did
2 commit the crimes of which he is accused. When a jury
3 returns a verdict of not guilty, the jurors are not
4 necessarily saying they believe the defendant is
5 innocent, they are only saying that they are not
6 convinced beyond a reasonable doubt that he is guilty.

7 Do you understand that difference, Xi Quan?

8 DEFENDANT XI QUAN HUANG: I understand.

9 THE COURT: Yun Lei?

10 DEFENDANT YUN LEI HUANG: Yes.

11 THE COURT: Yun Wu?

12 DEFENDANT YUN WU HUANG: Yes.

13 THE COURT: If you decided to proceed to a
14 trial, then during your trial the prosecution witnesses
15 would be required to come into the courtroom, and they
16 would have to present their testimony against you right
17 in front of you and your lawyer.

18 Your lawyer would have the right to question
19 prosecution's witnesses on cross-examination. Your
20 lawyer would have the right to raise objections to any
21 evidence the prosecutor attempted to offer against you.
22 And you and your lawyer working together, would have the
23 right to call witnesses, present other types of evidence,
24 like documents or recordings, and make arguments in your
25 defense to the jury during the course of your trial.

Proceedings

1 Did you understand that, Xi Quan?

2 DEFENDANT XI QUAN HUANG: Yes.

3 THE COURT: Yun Lei?

4 DEFENDANT YUN LEI HUANG: Yes.

5 THE COURT: And Yun Wu?

6 DEFENDANT YUN WU HUANG: Yes.

7 THE COURT: At your trial -- oh, excuse me.

8 You could even issue subpoenas, which are like court
9 orders, that would require people you wanted to have
10 testify at your trial come to the courthouse, and
11 testify, and you would have an opportunity to present
12 that testimony in your defense if you chose to.

13 Do you understand, Xi Quan?

14 DEFENDANT XI QUAN HUANG: Yes.

15 THE COURT: Yun Lei?

16 DEFENDANT YUN LEI HUANG: Yes.

17 THE COURT: Yun Wu?

18 DEFENDANT YUN WU HUANG: Yes.

19 THE COURT: At your trial, you yourself would
20 have the right to testify as a witness in your own
21 defense if you made the choice to do so. On the other
22 hand though, no one could require you to testify at your
23 trial against your will.

24 That is because the Constitution of the United
25 States says that no one may be required to say anything

Proceedings

1 that is self-incriminating. If you made the decision not
2 to testify at your trial in your own defense, Judge Cogan
3 would instruct the jurors that they could not take that
4 decision into account, or hold it against you in any way
5 when they decided what their verdict should be.

6 Do you understand me, Xi Quan?

7 DEFENDANT XI QUAN HUANG: I understand.

8 THE COURT: Yun Wu?

9 DEFENDANT YUN LEI HUANG: Yeah, I do.

10 DEFENDANT YUN WU HUANG: Yes.

11 THE COURT: Yun Lei?

12 DEFENDANT YUN LEI HUANG: Yes.

13 THE COURT: Yes, Yun Wu?

14 DEFENDANT YUN WU HUANG: Yes.

15 THE COURT: Thank you. On the other hand, if
16 you offer a plea of guilty, and Judge Cogan rules that
17 your plea is accepted, you will as a result be
18 surrendering your Constitutional right to trial, and all
19 of the other rights I've been describing to you today.

20 There will be no trial of any kind in your
21 case. You will have no right to appeal from your
22 conviction. Judge Cogan will essentially find you
23 guilty, and convict you, based upon your statements made
24 in my courtroom today. And that will free the
25 prosecution of its responsibility to prove your guilt.

Proceedings

1 Do you understand, Xi Quan?

2 DEFENDANT XI QUAN HUANG: I do.

3 THE COURT: Yun Lei?

4 DEFENDANT YUN LEI HUANG: Yes.

5 THE COURT: Yun Wu?

6 DEFENDANT YUN WU HUANG: Yes.

7 THE COURT: If you went to trial, and you were
8 convicted by a jury verdict, you could take an appeal to
9 a higher court, and ask that higher court to review the
10 legality of all of the proceedings that led up to your
11 conviction.

12 But when you plead guilty, you will be
13 convicted based upon what you yourself decided to say.
14 Under that circumstance, there's no right to challenge
15 your conviction on appeal.

16 Do you understand, Xi Quan?

17 DEFENDANT XI QUAN HUANG: Yes.

18 THE COURT: Yun Lei?

19 DEFENDANT YUN LEI HUANG: Yes.

20 THE COURT: Yun Wu?

21 DEFENDANT YUN WU HUANG: Yes.

22 THE COURT: If you plead guilty, I will have to
23 ask you questions about what you did, so that Judge Cogan
24 and I can be satisfied that your plea of guilty is based
25 on events that actually took place.

Proceedings

1 You don't have to answer those questions unless
2 you wish to go forward with your guilty plea. If you do
3 answer them, and in doing so you admit that you committed
4 a crime, you will be surrendering your constitutional
5 right not to say anything that is self-incriminating.

6 Do you understand me, Xi Quan?

7 DEFENDANT XI QUAN HUANG: Yes.

8 THE COURT: Yun Lei?

9 DEFENDANT YUN LEI HUANG: Yes.

10 THE COURT: Yun Wu?

11 DEFENDANT YUN WU HUANG: Yes.

12 THE COURT: Do you still wish to give up your
13 right to trial and all of the other rights I've been
14 telling you about today?

15 Xi Quan?

16 DEFENDANT XI QUAN HUANG: Yes.

17 THE COURT: Yun Lei?

18 DEFENDANT YUN LEI HUANG: Yes.

19 THE COURT: Yun Wu?

20 DEFENDANT YUN WU HUANG: Yes.

21 THE COURT: I have before me plea agreements
22 that I understand are leading you to make this decision.
23 I am going to mark Xi Quan Huang's plea agreement as
24 Government Exhibit 1. Yun Lei Huang's plea agreement
25 Government Exhibit 2, and Yun Wu Huang's plea agreement

Proceedings

1 Government Exhibit 3.

2 And I am going to ask my clerk to hand these
3 agreements to the respective defendants.

4 (Pause)

5 THE COURT: Can each of you show the document
6 to your client, please? Directing your attention to this
7 plea agreement, does your signature appear on the last
8 page?

9 Xi Quan?

10 DEFENDANT XI QUAN HUANG: Yes.

11 THE COURT: Yun Lei?

12 DEFENDANT YUN LEI HUANG: Yes.

13 THE COURT: Yun Wu?

14 DEFENDANT YUN WU HUANG: Yes.

15 THE COURT: Before you signed it, was it read
16 to you in Mandarin, and explained to you by your lawyer,
17 so that you understood it?

18 Xi Quan?

19 DEFENDANT XI QUAN HUANG: Yes.

20 THE COURT: Yun Lei?

21 DEFENDANT YUN LEI HUANG: Yes.

22 THE COURT: Yun Wu?

23 DEFENDANT YUN WU HUANG: Yes.

24 THE COURT: Does your plea agreement contain in
25 writing, a complete and accurate statement of everything

Proceedings

1 that you and the prosecutor have agreed to about your
2 case?

3 Xi Quan?

4 DEFENDANT XI QUAN HUANG: Yes.

5 THE COURT: Yun Lei?

6 DEFENDANT YUN LEI HUANG: Yes.

7 THE COURT: Yun Wu?

8 DEFENDANT YUN WU HUANG: Yes.

9 THE COURT: Has anybody promised you anything
10 in return for pleading guilty that is not written down in
11 your plea agreement?

12 Xi Quan?

13 DEFENDANT XI QUAN HUANG: No.

14 THE COURT: Yun Lei?

15 DEFENDANT YUN LEI HUANG: No.

16 THE COURT: Yun Wu?

17 DEFENDANT YUN WU HUANG: No.

18 THE COURT: May we have the agreements back,
19 please? Thank you, counsel.

20 UNIDENTIFIED SPEAKER: You're welcome.

21 THE COURT: We have been over the charge
22 against you that I will refer in shorthand as the
23 structuring charge. Do you have it clear in your mind?

24 Xi Quan?

25 DEFENDANT XI QUAN HUANG: Yes.

Proceedings

1 THE COURT: Yun Lei?

2 DEFENDANT YUN LEI HUANG: Yes.

3 THE COURT: And Yun Wu?

4 DEFENDANT YUN WU HUANG: Yes.

5 THE COURT: I need to review with you now the
6 penalties you face if you decide to plead guilty. The
7 law that you are accused of breaking authorizes a prison
8 term that could be up to ten years long.

9 Do you understand me, Xi Quan?

10 DEFENDANT XI QUAN HUANG: Yes.

11 THE COURT: Yun Lei?

12 DEFENDANT YUN LEI HUANG: Yes.

13 THE COURT: Yun Wu?

14 DEFENDANT YUN WU HUANG: Yes.

15 THE COURT: In addition, it authorizes a term
16 of supervised release that could be up to three years
17 long.

18 Do you understand me, Xi Quan?

19 DEFENDANT XI QUAN HUANG: Yes.

20 THE COURT: Yun Lei?

21 DEFENDANT XI QUAN HUANG: Yes.

22 THE COURT: Yun Wu?

23 DEFENDANT YUN WU HUANG: Yes.

24 THE COURT: Supervised release is a period of
25 time that begins to run only after you've finished

Proceedings

1 serving whatever prison sentence is imposed.

2 When you finish serving your prison sentence,
3 you'll be released from physical custody, but you won't
4 be completely free because you will subject to supervised
5 release. A defendant who remains in the United States
6 will have many rules to follow on supervised release,
7 including travel restrictions, and reporting
8 requirements. But whether you remain in the United
9 States or not, it will also be a condition of supervised
10 release that you commit no new crimes at all.

11 And if you break any rule of supervised
12 release, whether you've committed a new crime or not when
13 you do it, you may be arrested, and returned to this
14 court, and sent back to prison for up to two years for
15 the structuring crime with no credit for the time you
16 spent serving your original sentence, or by your -- or
17 with your freedoms restricted by your supervised release
18 conditions.

19 Do you understand me, Xi Quan?

20 DEFENDANT XI QUAN HUANG: Yes.

21 THE COURT: Yun Lei?

22 DEFENDANT YUN LEI HUANG: Yes.

23 THE COURT: Yun Wu?

24 DEFENDANT YUN WU HUANG: Yes.

25 THE COURT: You could be fined as much as

Proceedings

1 \$1,066,666, which I take it is tied to the government's
2 assertion of the structured amount.

3 MR. CAMPOS: Correct, your Honor. Oh, correct,
4 your Honor.

5 THE COURT: Do you understand me, Xi Quan?

6 DEFENDANT XI QUAN HUANG: Yes.

7 THE COURT: Yun Lei?

8 DEFENDANT YUN LEI HUANG: Yes.

9 THE COURT: Yun Wu?

10 DEFENDANT YUN WU HUANG: Yes.

11 THE COURT: You could be required to make
12 restitution of any victim losses, although Mr. Campos, I
13 guess the victim in this case would be the Internal
14 Revenue Service? Is that what's contemplated?

15 MR. CAMPOS: It's the Internal Revenue Service,
16 to the extent that the financial institutions had any
17 losses. They've been notified but we're still
18 quantifying whether or not they in fact had any losses.

19 THE COURT: Do you understand, Xi Quan?

20 DEFENDANT XI QUAN HUANG: Yes.

21 THE COURT: Yun Lei?

22 DEFENDANT YUN LEI HUANG: Yeah.

23 THE COURT: Yun Wu?

24 DEFENDANT YUN WU HUANG: Yes.

25 THE COURT: A \$100 special assessment will be

Proceedings

1 imposed upon you at or about the time of your sentence.

2 Do you understand me, Xi Quan?

3 DEFENDANT XI QUAN HUANG: Yes.

4 THE COURT: Yun Lei?

5 DEFENDANT YUN LEI HUANG: Yes.

6 THE COURT: Yun Wu?

7 DEFENDANT YUN WU HUANG: Yes.

8 THE COURT: You will be required to pay
9 criminal forfeitures, separate and apart from any
10 restitution, fine or special assessment. That forfeiture
11 will be in the form of a judgment in the amount of
12 \$266,000.

13 Do you understand me, Xi Quan?

14 DEFENDANT XI QUAN HUANG: Yes.

15 THE COURT: Yun Lei?

16 DEFENDANT YUN LEI HUANG: Yes.

17 THE COURT: And Yun Wu?

18 DEFENDANT YUN WU HUANG: Yes.

19 THE COURT: Your admission of guilt and
20 conviction are grounds for your removal from the United
21 States, which will be virtually automatic, and anything
22 you say in my courtroom may be used against you if there
23 is ever a proceeding to remove you or determine whether
24 you may ever return to the United States.

25 Do you understand me, Xi Quan?

Proceedings

1 DEFENDANT XI QUAN HUANG: Yes.

2 THE COURT: Yun Lei?

3 DEFENDANT YUN LEI HUANG: Yes.

4 THE COURT: Yun Wu?

5 DEFENDANT YUN WU HUANG: Yes.

6 THE COURT: Then I want to turn your attention
7 to what we call the Sentencing Commission Guidelines.
8 These guidelines will be calculated by Judge Cogan, and
9 they will provide him with a range of months within which
10 the law will suggest an appropriate sentence in your case
11 should be set.

12 Have you had a chance to discuss the guidelines
13 with your attorney, and get your attorney's advice about
14 how they might affect the sentence you receive in this
15 case?

16 Xi Quan?

17 DEFENDANT XI QUAN HUANG: Yes.

18 THE COURT: Yun Lei?

19 DEFENDANT YUN LEI HUANG: Yes.

20 THE COURT: Yun Wu?

21 DEFENDANT YUN WU HUANG: Yes.

22 THE COURT: The prosecutor has estimated that
23 Judge Cogan will calculate your guideline range to be 24
24 to 30 months long, two years to two-and-a-half years
25 long. I'm sure that the prosecutor was careful when he

Proceedings

1 made that estimate, but it is not binding on Judge Cogan.
2 Judge Cogan will make his own guidelines determination
3 and he might calculate a longer guidelines range than the
4 one the prosecutor has estimated.

5 Moreover, Judge Cogan won't make his
6 calculation until he receives something we call a pre-
7 sentence report. That report has not yet been written.

8 Once it is, you and your lawyer, and the
9 prosecutor will all be allowed to read it. You will then
10 have an opportunity to appear before Judge Cogan, and on
11 that occasion, you may tell him if there's anything in
12 the report you believe to be inaccurate.

13 Only then will Judge Cogan calculate the
14 guidelines, and as I've said, he might calculate a
15 guidelines range even longer than the 24 to 30 months
16 predicted by the government.

17 Do you understand me, Xi Quan?

18 DEFENDANT XI QUAN HUANG: Yes.

19 THE COURT: Yun Lei?

20 DEFENDANT YUN LEI HUANG: Yes.

21 THE COURT: Yun Wu?

22 DEFENDANT YUN WU HUANG: Yes.

23 THE COURT: Even after the judge calculates
24 your guideline range, he has the responsibility to
25 consider additional facts and circumstances about your

Proceedings

1 background, and your criminal conduct, and he has the
2 authority if he deems it appropriate, to impose a
3 sentence even longer than the guidelines range he
4 calculated.

5 Do you understand, Xi Quan?

6 DEFENDANT XI QUAN HUANG: Yes.

7 THE COURT: Yun Lei?

8 DEFENDANT YUN LEI HUANG: Yes.

9 THE COURT: Yun Wu?

10 DEFENDANT YUN WU HUANG: Yes.

11 THE COURT: If you are sentenced to prison for
12 33 months or a shorter period of time, you will have no
13 right to bring any legal challenge to your guilty plea,
14 conviction, or sentence. Even if you are sentenced to
15 prison for longer than 33 months, you will have no right
16 to withdraw your guilty plea, or raise any legal
17 challenge to your conviction.

18 The only right you would have in that
19 circumstance would be the right to challenge the length
20 of the prison sentence Judge Cogan imposed.

21 Do you understand me, Xi Quan?

22 DEFENDANT XI QUAN HUANG: Yes.

23 THE COURT: Yun Lei?

24 DEFENDANT YUN LEI HUANG: Yes.

25 THE COURT: Yun Wu?

Proceedings

1 DEFENDANT YUN WU HUANG: Yes.

2 THE COURT: You may have heard of parole which
3 is a program of early release from a prison sentence.
4 Parole is available only in state court proceedings.
5 This is a federal, not a state court proceeding.
6 Whatever sentence you receive from Judge Cogan, you will
7 not be released early from it on parole.

8 Do you understand me, Xi Quan?

9 DEFENDANT XI QUAN HUANG: Yes.

10 THE COURT: Yun Lei?

11 DEFENDANT YUN LEI HUANG: Yes.

12 THE COURT: Yun Wu?

13 DEFENDANT YUN WU HUANG: Yes.

14 THE COURT: Do you have any questions for me,
15 or your attorney about the charge against you, the rights
16 you're being asked to waive, the penalties you are
17 confronting, or anything else at all?

18 Xi Quan?

19 DEFENDANT XI QUAN HUANG: No.

20 THE COURT: Yun Lei?

21 DEFENDANT YUN LEI HUANG: No.

22 THE COURT: Yun Wu?

23 DEFENDANT YUN WU HUANG: No.

24 THE COURT: Is everything I have explained to
25 you today clear in your mind?

Proceedings

1 Xi Quan?

2 DEFENDANT XI QUAN HUANG: Yes.

3 THE COURT: Yun Lei?

4 DEFENDANT YUN LEI HUANG: Yes.

5 THE COURT: Yun Wu?

6 DEFENDANT YUN WU HUANG: Yes.

7 THE COURT: Will Xi Quan Huang and counsel
8 please approach the bench?

9 Yes, I just think given three, I want to
10 separate them for this --

11 MR. CAMPOS: Oh, I thought -- I wasn't --

12 THE COURT: No, you're welcome, too.

13 MR. CAMPOS: No, I wasn't -- okay, I wasn't
14 sure what --

15 THE COURT: I just want to do them separately
16 from this point on. Thank you.

17 Xi Quan Huang, are you ready to enter your
18 plea? Yes or no, are you ready to enter your plea? Are
19 you ready to plead guilty now?

20 DEFENDANT XI QUAN HUANG: Yes.

21 THE COURT: Counsel, do you know of any reason
22 why your client should not tender the guilty plea
23 contemplated by his agreement?

24 MR. LICHTMAN: No, your Honor.

25 THE COURT: Xi Quan Huang, with respect to the

Proceedings

1 structuring charge in the superseding information we have
2 been discussing, how do you plead, guilty or not guilty?

3 DEFENDANT XI QUAN HUANG: Guilty.

4 THE COURT: Do you plead guilty voluntarily and
5 of your own free will?

6 DEFENDANT XI QUAN HUANG: Yes.

7 THE COURT: Have you been threatened, or forced
8 in any way to make this plea of guilty?

9 DEFENDANT XI QUAN HUANG: No.

10 THE COURT: Other than what's written down in
11 your plea agreement, has anyone promised you anything in
12 return for pleading guilty?

13 DEFENDANT XI QUAN HUANG: No.

14 THE COURT: Has anyone promised you what
15 sentence Judge Cogan will impose?

16 DEFENDANT XI QUAN HUANG: No.

17 THE COURT: What did you do that makes you
18 guilty of this crime? Now before you answer me, I see
19 from the physical gesture that you are going to read me
20 something, and I am assuming that your lawyer may have
21 written it.

22 It is appropriate and proper for a lawyer to
23 help you find the words to express yourself, but the
24 responsibility for the accuracy and truthfulness of what
25 you say rests with you, even though a lawyer helped you

Proceedings

1 find the words.

2 Earlier this morning, a different gentleman was
3 in my courtroom telling me that his guilty plea shouldn't
4 be held against him because he only said what his lawyer
5 told him to say. There is no such excuse available to
6 you. You are responsible for these words, not your
7 attorney. If they are not true, if they are not what you
8 recall, don't say them.

9 Do you understand me?

10 DEFENDANT XI QUAN HUANG: Yeah, I didn't
11 understand.

12 THE COURT: You didn't understand. I will try
13 again. You have something to read to me now, yes or no?

14 DEFENDANT XI QUAN HUANG: Yes.

15 THE COURT: Your lawyer helped you write it?

16 DEFENDANT XI QUAN HUANG: Yes.

17 THE COURT: What I am telling you is that
18 you're responsible for what it says, not your lawyer.
19 It's fine that your lawyer helped you decide how to
20 express it, but you are legally responsible for it being
21 the truth, regardless of the legal advice you receive.

22 Do you understand me?

23 DEFENDANT XI QUAN HUANG: Yes.

24 THE COURT: Now you may read the document.

25 Thank you.

Proceedings

1 DEFENDANT XI QUAN HUANG: I -- me and my sons,
2 Yun Lei Huang, Yun Wu Huang, was operating a handbag and
3 accessories company in the Queens District of New York,
4 and the name of the company is Huang Fa Leatherwear
5 Company (ph.).

6 Between December 2013, and December 2017, me
7 and my sons through our company, we distributed to New
8 York and other places in the United States through retail
9 and wholesale handbags, and various accessories.

10 Our customers mainly paid for these merchandise
11 using cash or money order. Under normal circumstances,
12 the payment amount would be less than \$10,000 -- would be
13 over \$10,000.

14 Under many circumstances, we used these over
15 \$10,000 payments, and deposited them under smaller
16 amounts but including under \$10,000. And then we used
17 the smaller amount and deposited into our bank within the
18 Eastern District of New York.

19 The reason we did this is to avoid the currency
20 reporting requirements. And such transactions within the
21 12-month period exceed \$100,000 U.S. and I knew that what
22 I did was wrong.

23 THE COURT: Is the government satisfied with
24 the allocution?

25 MR. CAMPOS: Yes, your Honor, we're satisfied.

Proceedings

1 THE COURT: Based on the information given to
2 me, I find that the defendant Xi Quan Huang is acting
3 voluntarily, that he fully understands his rights and the
4 consequences of his guilty plea. I further find that his
5 guilty plea has a factual basis. I therefore
6 respectfully recommend that it be accepted by Judge
7 Cogan.

8 I'm told that Judge Cogan has scheduled the
9 sentencing proceeding for January 7th of 2020 at 10 a.m.

10 Between now and when you're sentenced, you will
11 be interviewed by a probation officer. During that
12 interview, the officer will be gathering information for
13 the report that Judge Cogan will use when he decides your
14 sentence. So it's important that you be candid and
15 cooperative with the officer during the interview.

16 Anything further from the government with
17 respect to this defendant?

18 MR. CAMPOS: With respect to this defendant,
19 Judge, we should probably say that the government is not
20 moving to change the bond conditions.

21 THE COURT: Anything further from defense?

22 MR. LICHTMAN: No, your Honor.

23 THE COURT: Thank you, everybody.

24 Will Yun Lei Huang and counsel please approach?

25 Yun Lei Huang, are you ready to enter your

Proceedings

1 plea?

2 DEFENDANT YUN LEI HUANG: Yes.

3 THE COURT: Counsel, do you know of any reason
4 why your client should not plead guilty pursuant to the
5 agreement?

6 MR. FERNICH: No, your Honor.

7 THE COURT: Yun Lei Huang, with respect to the
8 structuring charge in the superseding information, how do
9 you plead, guilty or not guilty?

10 DEFENDANT YUN LEI HUANG: I plead guilty.

11 THE COURT: Do you make this guilty plea
12 voluntarily and of your own free will?

13 DEFENDANT YUN LEI HUANG: Yes.

14 THE COURT: Has anyone threatened you or
15 pressured you into pleading guilty?

16 DEFENDANT YUN LEI HUANG: Yes -- oh, no.

17 THE COURT: Other than what's written in your
18 plea agreement, has anyone promised you anything in
19 return for your guilty plea?

20 DEFENDANT YUN LEI HUANG: No.

21 THE COURT: Has anyone promised you what
22 sentence Judge Cogan will impose upon you?

23 DEFENDANT YUN LEI HUANG: No.

24 THE COURT: What did you do that makes you
25 guilty of this crime? Before you read a prepared

Proceedings

1 statement, do you understand that you are responsible for
2 its accuracy, not your lawyer, even if your lawyer helped
3 you write it?

4 DEFENDANT YUN LEI HUANG: Yes.

5 THE COURT: You may read your statement.

6 DEFENDANT YUN LEI HUANG: Me and my father, Xi
7 Quan Huang, and my brother, Yun Wu Huang, operated a
8 handbag and accessory business in Queens District. The
9 name of the company is Huang Fa Leatherwear Company.

10 Between December 2013, and December 2017, me
11 and my father, and brother through our company, we sell
12 by retail and wholesale to various places in the United
13 States and New York, such high -- such leatherwear and
14 accessories. Our customers mainly paid by cash or money
15 order for these purchased merchandise.

16 Under normal circumstances, the payment would
17 be over \$10,000. We took those over \$10,000 amount and
18 split them into smaller amounts, including \$10,000 or
19 under \$10,000. And then we deposit these smaller amounts
20 into our bank in the Eastern District of New York. The
21 reason we did this in order to avoid the currency
22 reporting requirements.

23 Such transactions within the 12-month period
24 exceed \$100,000 U.S. dollars, and I knew that what I did
25 was wrong.

Proceedings

1 THE COURT: Is the prosecution satisfied with
2 the allocution?

3 MR. CAMPOS: Yes, your Honor.

4 THE COURT: Based on the information given to
5 me, I find that the defendant Yun Lei Huang is acting
6 voluntarily, that he fully understands his rights and the
7 consequences of his plea, and that his plea has a factual
8 basis. I therefore respectfully recommend that Judge
9 Cogan accept the defendant Yun Lei Huang's plea of guilty
10 to the superseding information.

11 Between now and when you're sentenced, you are
12 going to be interviewed by a probation officer. That
13 interview will help the officer prepare the report that
14 Judge Cogan will rely upon when he decides your sentence.
15 So I urge you to be candid and cooperative with the
16 officer.

17 Sentencing has been scheduled for January 9th
18 at 10 a.m.

19 Bail continued?

20 MR. CAMPOS: Yes, your Honor.

21 THE COURT: Anything further?

22 MR. FERNICH: Not from me, Judge.

23 MR. CAMPOS: Not from the government.

24 THE COURT: Thank you.

25 Will Yun Wu Huang and counsel please approach?

Proceedings

1 Yun Wu Huang, are you ready to enter your plea?

2 DEFENDANT YUN WU HUANG: Yes.

3 THE COURT: Counsel, do you know of any reason
4 why your client should not enter the guilty plea
5 contemplated by his agreement?

6 MR. SAVELLA: I don't, your Honor.

7 THE COURT: Yun Lei Huang, how do you plead,
8 guilty or not guilty?

9 DEFENDANT YUN WU HUANG: Guilty.

10 THE COURT: Do you make this guilty plea
11 voluntarily and of your own free will?

12 DEFENDANT YUN WU HUANG: Yes.

13 THE COURT: Has anyone threatened you, or
14 pressured you, or forced you into pleading guilty?

15 DEFENDANT YUN WU HUANG: No.

16 THE COURT: Other than what's written in your
17 plea agreement, has anyone promised you anything in
18 return for your pleading guilty?

19 DEFENDANT YUN WU HUANG: No.

20 THE COURT: Has anyone promised you what
21 sentence Judge Cogan will impose upon you?

22 DEFENDANT YUN WU HUANG: No.

23 THE COURT: Tell me in your own words what you
24 did that makes you guilty of the offense? If you are
25 reading something your lawyer prepared, remember that you

Proceedings

1 are responsible for it being the accurate truth, not your
2 attorney, even if your attorney helped you write it.

3 Do you understand?

4 DEFENDANT YUN WU HUANG: Yes.

5 THE COURT: You may proceed.

6 DEFENDANT YUN WU HUANG: Me and my -- and my
7 father, Xi Quan Huang, and my brother Yun Lei Huang,
8 within the Queens District of New York, operated a
9 handbag and accessories -- what do you call -- wholesale
10 company, and the name of the company is Huang Fa
11 Leatherwear Company.

12 Within the period of 2013, December to 2017,
13 December, me and, my father and, brother through our
14 company, retail and wholesale to New York, and various
15 places in the United States such merchandise as handbag
16 and its accessories.

17 Our customers mainly paid by cash or money
18 orders for these merchandises. And under normal
19 circumstances, such payments would be more than \$10,000
20 U.S. In many circumstances, we would split up these more
21 than \$10,000 amounts into smaller amounts, including
22 \$10,000 or under \$10,000, and then we would deposit such
23 smaller amounts into our banks in the -- within the
24 Eastern District of New York.

25 The reason we did this this way is to avoid our

Proceedings

1 currency reporting requirements. And such transactions
2 exceeded 10- -- \$100,000 U.S. within a 12-month period.
3 And I knew what I did was wrong.

4 THE COURT: Mr. Lau, just because I think you
5 misspoke, I want to clarify that you intended to
6 transactions exceeded \$100,000.

7 THE INTERPRETER: \$100,000. Did I say 10?
8 100,000.

9 THE COURT: First you said 10, then you said
10 100. So it sounded like 10,100,000.

11 THE INTERPRETER: Okay.

12 THE COURT: But think you meant \$100,000,
13 correct?

14 THE INTERPRETER: 100,000.

15 THE COURT: Thank you.

16 Is the government satisfied with the
17 allocution?

18 MR. CAMPOS: Yes, your Honor.

19 THE COURT: Based on the information given to
20 me, I find that the defendant Yun Wu Huang is acting
21 voluntarily, that he fully understands his rights and the
22 consequences of his guilty plea, and that his plea has a
23 factual basis. I therefore respectfully recommend that
24 Judge Cogan accept the defendant Yun Wu Huang's plea of
25 guilty to the superseding information.

Proceedings

1 Sentencing has been set for January 13th at 10
2 a.m.

3 Yun Wu Huang, between now and when you'll be
4 interviewed by a probation officer, as the officer tries
5 to prepare the report that Judge Cogan will use to
6 decides your sentence. So I urge you to be candid and
7 cooperative during the interview.

8 MR. CAMPOS: And the government is not moving
9 to change the bail conditions.

10 THE COURT: So ordered.

11 Anything further?

12 MR. CAMPOS: Nothing, your Honor.

13 THE COURT: Thank you, everybody.

14 MR. LICHTMAN: Thank you, your Honor.

15 THE COURT: Mr. Campos, don't go away. I've
16 got a lot of paperwork for your --

17 MR. CAMPOS: Yes, indeed.

18 THE COURT: -- that is intended for you.

19 (Matter concluded)

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C E R T I F I C A T E

I, LINDA FERRARA, hereby certify that the foregoing transcript of the said proceedings is a true and accurate transcript from the electronic sound-recording of the proceedings reduced to typewriting in the above-entitled matter.

I FURTHER CERTIFY that I am not a relative or employee or attorney or counsel of any of the parties, nor a relative or employee of such attorney or counsel, or financially interested directly or indirectly in this action.

IN WITNESS WHEREOF, I hereunto set my hand this 29th day of October, 2019.


Linda Ferrara

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